

COUNTY OF KAUAI  
Minutes of Meeting  
**Open Session**

Board/Committee:	<b>LIQUOR CONTROL COMMISSION</b>	Meeting Date	<b>August 18, 2016</b>
Location	Mo'ikeha Building, Meeting Room #3	Start of Meeting: 4:01 p.m.	End of Meeting: 5:30 p.m.
Present	Chair Gerald Matsunaga; Vice Chair Shirley Akita; Members: Paul Endo, William Gibson, Jean Iida, Dane Oda, Gary Pacheco Also: Liquor Control Staff: Director Gerald Rapozo, Private Secretary Cherisse Zaima; Deputy County Attorney Nicholas Courson		
Excused			
Absent			

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SUBJECT	DISCUSSION	ACTION
<b>Call To Order</b>		Chair Matsunaga called the meeting to order at 4:01 p.m. with 7 members present, constituting a quorum.
<b>Roll Call</b>	Investigator Moises called roll, noting 7 members were present.	
<b>Approval of the Agenda</b>		Ms. Iida moved to approve the agenda. Mr. Endo seconded the motion. Motion carried 7:0.
<b>Approval of the Minutes</b>	<u>MINUTES OF THE MEETINGS OF AUGUST 4, 2016</u>	Mr. Gibson moved to approve the minutes. Ms. Iida seconded the motion. Motion carried 7:0.
<b>1.</b>	<u>DIRECTOR'S REPORT:</u>  a) <u>INVESTIGATORS' REPORTS</u>  b) <u>INCOMING COMMUNICATIONS:</u> (1) From Jackson Family Enterprises (2) Disturbance Report from Rob's Good Times Grill	

	<p>c) <u>OUTGOING COMMUNICATIONS:</u> (1) To All Wholesale Licensees, Re: Renewal of Liquor License JC’s Flowers &amp; Mini Mart. (2) To Waimea Plantation Cottages, Re: Approval of request for transfer of liquor inventory.</p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u> Managers and Assistant Managers – See Attachment</p> <p>e) <u>ACTIONS OF THE DIRECTOR:</u> (1) HANAI (2) LIVING FOODS (3) MERRIMAN’S (4) TORTILLA REPUBLIC THE UPSTAIRS/TR CANTINA &amp; MARGARITA BAR (5) THE WINE SHOP (6) PRINCESS CRUISE LINES, LTD.</p> <p>f) <u>INFORMATIONAL MATTERS:</u></p>	<p>Ms. Iida moved to receive Items 1(a) through (f). Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
2.	<p><u>VIOLATION REPORTS:</u></p> <p>a) <u>HANAI</u>: Violation of Rule 4.7 Gross liquor sales report, percentage fee, and records.</p> <p>b) <u>HEALTHY HUT MARKET &amp; CAFÉ</u>: Violation of Rule 4.7 Gross liquor sales report, percentage fee, and records.</p> <p>c) <u>KALAPAKI JOE’S</u>: Violation of Rule 4.7 Gross liquor sales report, percentage fee, and records.</p> <p>d) <u>KALAPAKI JOE’S POIPU</u>: Violation of Rule 4.7 Gross liquor sales report, percentage fee, and records.</p>	

	<ul style="list-style-type: none"> <li>e) <u>POIPU BEACH ATHLETIC CLUB</u>: Violation of Rule 4.7 Gross liquor sales report, percentage fee, and records.</li> <li>f) <u>SHERATON KAUAI RESORT (OCEAN)</u>: Violation of rule 4.7 Gross liquor sales report, percentage fee, and records.</li> <li>g) <u>SHERATON KAUAI RESORT (GARDEN)</u>: Violation of Rule 4.7 Gross liquor sales report, percentage fee, and records.</li> <li>h) <u>SHERATON KAUAI RESORT LINK CAFÉ</u>: Violation of Rule 4.7 Gross liquor sales report, percentage fee, and records.</li> <li>i) <u>TAHITI NUI</u>: Violation of Rule 4.7 Gross liquor sales, percentage fee, and records.</li> <li>j) <u>BAR ACUDA</u>: Violation of Rule 7.9 Manager Registration.</li> <li>k) <u>DUKE’S CANOE CLUB</u>: Violation of Rule 7.9 Manager Registration.</li> <li>l) <u>7-ELEVEN STORES (LIHUE)</u>: Violation of Rule 10.3 Manager Registration.</li> <li>m) <u>7-ELEVEN STORES (HANAMAULU)</u>: Violation of Rule 10.3 Manager Registration.</li> <li>n) <u>HANAI</u>: Violation of Rule 10.3 Manager Registration.</li> <li>o) <u>LAWAI GENERAL STORE</u>: Violation of Rule 10.3 Manager Registration.</li> <li>p) <u>SAFEWAY KAPAA</u>: Violation of Rule 10.3 Manager Registration.</li> <li>q) <u>SAFEWAY LIHUE</u>: Violation of Rule 10.3 Manager Registration.</li> </ul>	<p>Mr. Endo moved to call the licensees for a violation hearing. Ms. Iida seconded the motion. Motion carried 7:0.</p>
3.	<p><u>CHANGE IN CORPORATE OFFICERS:</u></p> <ul style="list-style-type: none"> <li>a) <u>THE CLUB AT KUKUIULA</u>:</li> <li>b) <u>KAUAI BLUE, INC.:</u></li> </ul>	<p>Ms. Iida moved to approve the change in corporate officers. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>

4.	<p><u>TRANSFER OF 25% OR MORE OF OUTSTANDING CAPITAL STOCK:</u></p> <p>a) <u>KAUAI BLUE INC.</u> b) <u>FOH HOSPITALITY LLC</u></p>	<p>Ms. Iida moved to accept the transfer of stock for Kauai Blue, Inc. Mr. Pacheco seconded the motion. Motion carried 7:0.</p> <p>Ms. Iida moved to accept the transfer of stock for FOH Hospitality LLC. Mr. Oda seconded the motion. Motion carried 7:0.</p>
5.	<p><u>NEW LIQUOR LICENSE:</u></p> <p><u>KLUB AT KIAHUNA:</u> Application No. 2017-021 was filed on August 8, 2016 by Brooke Jacobsmeyer dba Klub at Kiahuna for a Restaurant General (live music with dancing) license located at 2545 Kiahuna Plantation Drive, Kōloa, Kauai, Hawaii. Deposited \$450.</p>	<p>Mr. Endo moved for publication and public hearing of Application No. 2017-021. Ms. Iida seconded the motion. Motion carried 7:0</p>
6.	<p><u>TEMPORARY LIQUOR LICENSE:</u></p> <p><u>KLUB AT KIAHUNA:</u> Application No. 2017-022 was filed on August 8, 2016 by Brooke Jacobsmeyer dba Klub at Kiahuna to operate Restaurant General License No. 2G-036 located at 2545 Kiahuna Plantation Drive, Kōloa, Kauai, Hawaii. Deposited \$60.</p>	<p>Mr. Endo moved to approve Application No. 2017-022 for a temporary license. Ms. Iida seconded the motion. Motion carried 7:0.</p>
7.	<p><u>ANNUAL JOB PERFORMANCE REVIEW OF THE DIRECTOR</u></p> <p>Commissioner Pacheco asked for clarification on the scoring system of the evaluation. At the request of the Commission, Human Resources Manager Jill Niitani was present. Ms. Niitani explained the way the scoring system works, and how the application should be completed.</p>	

	<p>The Commission asked whether the due date of August 31 for the evaluation was based on the Director’s employment anniversary date, to which Ms. Niitani replied yes. Staff noted that in the past, evaluations were due by the end of the year – December; however, the County’s Human Resources Department has been making adjustments to the evaluation process.</p> <p>After some discussion, the Commission decided to interview individual employees of the Liquor Department for the purpose of completing the evaluation.</p>	<p>The meeting recessed at 4:41 p.m.</p>
<b>Executive Session</b>	<p>Pursuant to Hawai‘i Revised Statutes Sections 92-5(a)(2 and 4), the purpose of this executive session is to discuss matters pertaining to the evaluation of the Liquor Control Director. This session pertains to the Liquor Control Director’s evaluation where consideration of matters affecting privacy will be involved. Further, to consult with legal counsel regarding powers, duties, privileges, and/or liabilities of the Liquor Control Commission as it relates to the evaluation of the Liquor Control Director.</p> <p><u>Annual job performance review of the Director</u></p>	<p>Ms. Akita moved to enter into executive session. Mr. Endo seconded the motion. Motion carried 7:0.</p> <p>Mr. Pacheco left the meeting at 4:42 p.m.</p>
<b>Return to Open Session</b>	<p>Ratify Commission actions taken in Executive Session relating to the Annual job performance review of the Director</p>	<p>The meeting reconvened in open session at 5:29 p.m.</p> <p>Mr. Oda moved to ratify actions taken in Executive Session. Mr. Gibson seconded the motion. Motion carried 6:0.</p>
<b>Announcements</b>	<p>Next Scheduled Meeting: Thursday, September 1, 2016 – 4:00 pm, Mo‘ikeha Building, Meeting Room #3.</p>	

<b>Adjournment</b>		Chair Matsunaga adjourned the meeting at 5:30 p.m.
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Submitted by: \_\_\_\_\_  
Cherisse Zaima, Private Secretary

Reviewed and Approved by: \_\_\_\_\_  
Gerald Matsunaga, Chair